



Entered on Docket  
September 04, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRTEENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Thirteenth Omnibus Objection of USACM Trust  
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano  
3 Beach Loan” [Docket No. 7291] (the “Objection”); with appropriate notice of the  
4 Objection having been given; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained.
- 7 2. All other claims listed on **Exhibit A** attached are allowed as general  
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9 Principal. The remainder of those claims are disallowed to the extent  
10 they are based upon a Direct Lender investment in the Bay Pompano  
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon  
13 investments in loans other than the Bay Pompano Beach Loan, this  
14 order does not affect them and the USACM Trust may file further  
15 objections.

16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17  
18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

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Marvin Ruth

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Bay Pompano Beach Loan</b>	<b>Unremitted Principal to be Allowed as Claim</b>	<b>Approximate Amount Subject to Objection</b>
10725-02334	Davis Family Trust	C/O Joseph Davis & Marion Sharp Co-Trustees 3100 Ashby Ave Las Vegas, NV 89102-1908	1,500,000.00	45,884.10	12,285.97	33,598.13
10725-02359	Janice A Lucas IRA	1310 Secret Lake Loop Lincoln, CA 95648-8412	152,121.34	75,464.72	12,285.97	63,178.75
10725-02403	Weible 1981 Trust DTD 6/30/81	Dean F & Ardis Weible Co Ttees 6314 Tara Ave Las Vegas, NV 89146	555,676.78	74,011.56	12,285.97	61,725.59
10725-02483	Novak Living Trust DTD 10/21/97	C/O Frank T Novak & Patricia A Novak Trustees 2593 Sumter St Henderson, NV 89052-7113	22,967.05	22,944.23	12,285.97	10,658.26
10725-00801	Freedom Properties Inc	1820 Star Pine Ct Reno, NV 89523-4807	450,000.00	50,000.00	12,285.97	37,714.03
10725-02233	Eddie Mayo & Jocelyne Helzer Jt Ten	115 South Deer Run Rd Carson City, NV 89701	511,906.46	74,011.56	12,285.97	61,725.59
10725-02411	Allen M & Dorothy H Nirenstein 1992 Rev Trust	Dtd 3/4/92 Allen & Dorothy Nirenstein Ttees 403 Woodland Rd Kentfield, CA 94904-2635	805,639.26	Unknown	12,285.97	Unknown
10725-02175	Simmons Hwjtwros, Alan R & Judith B	Po Box 13296 South Lake Tahoe, CA 96151-3296	1,186,288.22	74,011.56	12,917.33	61,094.23
10725-01581	Teeter IRA Rollover, Louise	4201 Via Marina, Suite 300 Marina Del Rey, CA 90292	197,814.00	15,324.25	14,988.89	335.36
10725-02123	Universal Management Inc A Nevada Corp	8080 Harborview Rd Blaine, WA 98230	1,438,118.00	109,538.00	18,183.24	91,354.76

**EXHIBIT A**

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